City of Houston, Texas, Ordinance No. 2009-763

AN ORDINANCE AMENDING THE CITY OF HOUSTON BUILDING CODE RELATING TO SIDEWALKS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Chapter 214 of the Texas Local Government Code generally provides that the International Building Code is the standard building code applicable to buildings in the State of Texas; and

WHEREAS, of the Texas Local Government Code allows municipalities to adopt certain local amendments and local administrative and enforcement provisions for the International Building Code; and

WHEREAS, the City Council of the City of Houston adopted the International Building Code along with certain local amendments by Ordinance No. 2006-5, and has subsequently adopted further local amendments thereto; and

WHEREAS, the City Council of the City of Houston desires to adopt additional local amendments to the International Building Code relating to the construction of sidewalks; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Item 3 of Section 3110.6 of the volume of the City of Houston Construction Code known as the City of Houston Building Code, as adopted by Ordinance No. 2006-5, is hereby amended to read as follows:

"3. Construction Standards for Driveways and Sidewalks on Curb-type Streets (P.W. Dwg. No. 02754-01A)."

Section 3. That Section 3110.8 of the volume of the City of Houston Construction Code known as the City of Houston Building Code, as adopted by Ordinance No. 2006-5, is hereby amended to read as follows:

"**3110.8 Sidewalks.** Sidewalks (five feet wide) shall be constructed along all major thoroughfares abutting the property being developed. Sidewalks (five feet wide) shall be constructed along all other public streets abutting the property being developed where:

1. The property's frontage spans an entire block;
2. Sidewalks exist on any adjacent property;
3. The property has more than 125 feet of total street frontage; or
4. The property is located in an "urban area" designated pursuant to Chapter 42 of the City Code.

Except as provided by subsection 4, above, sidewalks are not required under this provision when all the following conditions exist:

1. The development is construction of a single family residence,
2. There was previously a single family residence on the lot that was demolished after August 19, 2009[1], and
3. The property has not been replatted and has not changed the number of units.

Sidewalks (six feet wide with a clear pedestrian space at least six feet wide and seven and one-half feet high) shall be constructed along all transit corridor streets and type A streets as designated pursuant to Chapter 42 of the City Code and abutting the property being developed.

State highways and freeway frontage roads within the jurisdiction also fall within the scope of this requirement, subject to state review required in Section 3110.5.

Exceptions:

1. The city engineer shall have the authority to modify the requirements of this section to the extent necessary to accommodate the sidewalk when determined that it is technically or otherwise infeasible to comply, such as where there is a lack of public right-of-way or the presence of fire hydrants, mail boxes, utility poles, or other improvements lawfully permitted within the public right-of-way.
2. The city engineer shall have the authority to modify the requirements of this section when the property is situated in a

[1] Editor to insert effective date of Ordinance.

planned community in which alternative pedestrian trails or passage ways are provided in lieu of sidewalks.

3. The city engineer shall have the authority to modify the requirements of this section for a single family residence on a vacant lot that has not been replatted and not changed the number of units.

NOTE: Construction or repairs of sidewalks, driveways, curbs, curb ramps, and gutters shall comply with this chapter, Chapter 40, Article III of the City Code; Chapter 42, Article IV of the City Code; and the Infrastructure Design Manual of the City Department of Public Works and Engineering. The provisions of this section are cumulative of other sidewalk requirements in this Code."

Section 4. That Drawing 31-3 at the end of Chapter 31 of the volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein.

Section 5. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose

Section 6. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law,

Chapter 551, Texas Government Code Annotated; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 19th **day of** August**, 2009.**

APPROVED this 19th **day of** August**, 2009**

Bill White

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

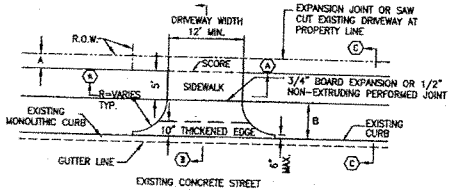
(Prepared by Legal Dep't) Deborah F. Ashe
(DFM:dfm August 14, 2009) Senior Assistant City Attorney
(Requested by Michael S. Marcotte, P.E., D. WRE, BCEE, Director, Public Works and Engineering Department)
(L.D. File No. 0610600089002)
G:\LAND\URBAN CORRIDORS\Building Code\Building Code Adopting 20090805 Final.doc

CAPTION PUBLISHED IN DAILY COURT REVIEW
DATE: AUG 2 5 2009

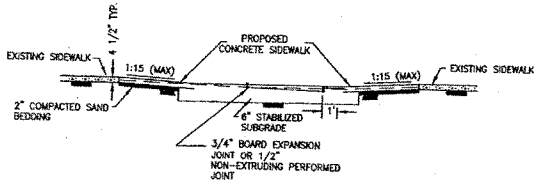
AYE	NO	
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
	ABSENT DUE TO BEING ILL	CLUTTERBUCK
✓		ADAMS
	ABSENT	SULLIVAN
✓		KHAN
✓		HOLM
✓		GONZALEZ
	ABSENT-ON PERSONAL BUSINESS	RODRIGUEZ
	ABSENT-OUT OF CITY ON PERSONAL BUSINESS	BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
✓		JONES
CAPTION	ADOPTED	

MAY 017 Rev. 6/24

EXHIBIT A



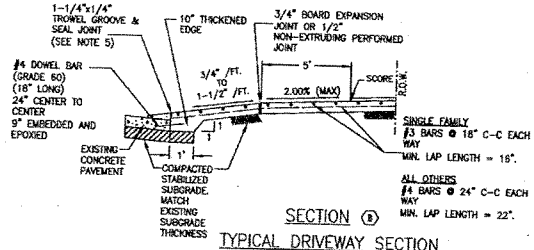
PLAN VIEW – DRIVEWAY



SECTION Ⓐ

PROPOSED SIDEWALK, THROUGH DRIVEWAY WITH EXCESSIVE GRADES

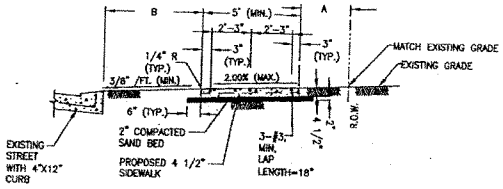
N.T.S.



SECTION Ⓑ

TYPICAL DRIVEWAY SECTION

N.T.S.



SECTION Ⓒ

TYPICAL SIDEWALKS SECTION

N.T.S.

NOTES

1. IF AVAILABLE ROW IS NOT SUFFICIENT TO ACCOMMODATE A 5-FEET SIDEWALK, ENGINEER SHALL OBTAIN A VARIANCE FROM THE CITY ENGINEER FOR A 4-FEET WIDE SIDEWALK.
2. DRIVEWAYS SHALL BE 6" THICK FOR SINGLE FAMILY
3. DRIVEWAYS AND SIDEWALKS SHALL BE CONSTRUCTED WITH PORTLAND CEMENT CONCRETE AND INCLUDE 5 1/2 SACKS OF CEMENT PER CUBIC YARD OF CONCRETE.
4. THE OUTER DOWEL BARS ARE TO BE LOCATED 12" FROM END OF PROPOSED EDGE OF DRIVEWAY RETURN. EXTEND DOWEL 3" INCHES INTO PROPOSED DRIVEWAY AND BEND REMAINING BAR TO EXTEND TO RADIUS RETURN BOTH SIDES.
5. TROWEL GROOVE SEALANT SHALL BE LOW MODULUS SILICONE OR POLYURETHANE SEALANT.
6. EXPANSION & CONSTRUCTION JOINTS ALONG SIDEWALK SHALL BE ACCORDING TO DRAWING No. 02752-02.
7. REFER CHAPTER 10 DESIGN REQUIREMENTS FOR A AND B.

CITY OF HOUSTON DEPARTMENT OF PUBLIC WORKS AND ENGINEERING	
DRIVEWAY / LOCAL RESIDENTIAL STREETS (NOT TO SCALE)	
APPROVED BY CITY ENGINEER	APPROVED BY DIRECTOR OF PUBLIC WORKS AND ENGINEERING
EFF DATE: JULY-01-2009	DWG NO: 02754-01A